

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

JOHN E. JACKSON, JR.,

Movant,

v.

CIVIL ACTION NO. 3:08-1108
(Criminal No. 3:05-00184-01)

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Movant's Motion and Supplemental Motion under 28 U.S.C. §2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. #s 129 and 133) be denied for failure to state a plausible claim; Movant's Applications to Proceed Without Prepayment of Fees and Costs (Doc. #s 134 and 156) be denied as moot; Movant's Motion for Transcripts (Doc. #143) be denied as moot; Movant's Motion for Copy of Fingerprints (Doc. #s 150 and 152) be denied as irrelevant and moot; Movant's Motion to Substitute Counsel (Doc. #141) be denied as irrelevant and moot; Movant's Motion to Recuse (Doc. #139) be denied as frivolous; and this action be dismissed, with prejudice, and removed from the docket of this Court. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **ORDERS** that Movant's Motion and Supplemental Motion under 28

U.S.C. §2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. #s 129 and 133) be denied for failure to state a plausible claim; Movant's Applications to Proceed Without Prepayment of Fees and Costs (Doc. #s 134 and 156) be denied as moot; Movant's Motion for Transcripts (Doc. #143) be denied as moot; Movant's Motion for Copy of Fingerprints (Doc. #s 150 and 152) be denied as irrelevant and moot; Movant's Motion to Substitute Counsel (Doc. #141) be denied as irrelevant and moot; Movant's Motion to Recuse (Doc. #139) be denied as frivolous; and this action be dismissed, with prejudice, and removed from the docket of this Court, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: April 28, 2011

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE